

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER  
LEO-GUERRA, MICHAEL MAERLENDER,  
BRANDON PIYEVSKY, BENJAMIN SHUMATE,  
BRITTANY TATIANA WEAVER, and  
CAMERON WILLIAMS, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY, UNIVERSITY  
OF CHICAGO, THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK,  
CORNELL UNIVERSITY, TRUSTEES OF  
DARTMOUTH COLLEGE, DUKE UNIVERSITY,  
EMORY UNIVERSITY, GEORGETOWN  
UNIVERSITY, THE JOHNS HOPKINS  
UNIVERSITY, MASSACHUSETTS INSTITUTE  
OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME  
DU LAC, THE TRUSTEES OF THE  
UNIVERSITY OF PENNSYLVANIA, WILLIAM  
MARSH RICE UNIVERSITY, VANDERBILT  
UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

**Hon. Matthew F. Kennelly**

**CERTAIN DEFENDANTS' STATEMENT OF COMPLIANCE WITH  
LOCAL RULE 37.2**

This Local Rule 37.2 Statement accompanies Certain Defendants' Motion for Entry of Order Regarding the HEA Statute and Production of Certain FAFSA Information. Moving Defendants have conferred in good faith with both Plaintiffs and with Defendant Cornell

University during the month of January in an effort to present a joint motion for entry of the proposed Order.

Moving Defendants have conferred in writing through multiple email messages and during multiple phone calls with counsel for Cornell in January 2023, including on January 11, 2023 and continuing through January 19, 2023. These discussions have included counsel for all Defendants, as well as individual discussions and emails between Michael Rubin of Arnold & Porter Kaye Scholer LLP (counsel for the University of Chicago) and Norman Armstrong, Jr. and Emily Chen of King & Spalding LLP (counsel for Cornell). Cornell elected not to join the motion and instead file a separate statement of its position with the Court.

Following moving Defendants' effort to confer with Cornell, on January 20, 2023, moving Defendants provided a draft of a proposed joint motion and proposed Order to counsel for Plaintiffs. Between that time and the filing of this motion, moving Defendants and counsel for Plaintiffs have exchanged fourteen (14) additional emails, primarily between Michael Rubin of Arnold & Porter Kaye Scholer LLP, Counsel for Chicago, and Plaintiffs' counsel Robert Gilbert. Moving Defendants proposed repeatedly to discuss these issues telephonically with Plaintiffs' counsel. Plaintiffs' counsel responded to those proposals with email responses instead.

Moving Defendants and Plaintiffs exchanged by email multiple revisions to both the draft joint motion and the proposed Order. Moving Defendants accepted all of Plaintiffs' requested changes to both documents, with the exception of Plaintiffs' request that the proposed Order hold that the structured financial aid data files, which will contain the FAFSA information to be covered by the proposed Order, cannot be designated Attorneys' Eyes Only under the Confidentiality Order, or alternatively, that "purely FAFSA information" cannot be designated Attorneys' Eyes

Only. Moving Defendants proposed that they were available to discuss telephonically. Plaintiffs' counsel responded with an email instead.

Through these communications, moving Defendants explained that given the ambiguity surrounding the governing statute and regulatory guidance, moving Defendants believe that they require an Order authorizing them to collect, anonymize, and produce FAFSA information in their financial aid structured data. They explained that, for this reason, they propose a narrow order authorizing that process to move forward in light of upcoming production deadlines and that issues concerning confidentiality designations and uses of FAFSA information are best addressed once both parties have seen the data and can assess if there is any real dispute over use of the information. Moving Defendants specifically noted that depending on whom Plaintiffs seek to depose and with which witnesses they seek to use FAFSA information, there may likely be no dispute at all. Yet, Plaintiffs insisted that Defendants agree in advance that no purely FAFSA information could qualify for Attorneys' Eyes Only treatment. At that point, moving Defendants confirmed the parties were at an impasse.

Defendants respectfully submit that they have complied with Local Rule 37.2 as to the issues that need to be addressed in the proposed HEA Order in light of the upcoming production deadlines.

Dated: February 2, 2023

Respectfully submitted,

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